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U.S. DISTRICT COURT

EMILY SHARP RAINS

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Pro Se Plaintiff

THE UNITED STATES DISTRICT IN AND FOR THE DISTRICT OF UTAH

EMILY SHARP RAINS, Plaintiff, vs. WESTMINSTER COLLEGE , a Utah corporation, MELISSA KOERNER , in her official and individual capacities, and RICHARD BADENHAUSEN , in his official and individual capacities. Defendants.	DECLARATION OF EMILY RAINS IN SUPPORT OF PLAINTIFF'S MOTION FOR LEAVE TO AMEND Case No. 2:20-cv-00520-JNP District Judge Jill N. Parrish Magistrate Daphne A. Oberg
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I, Emily Rains, am over the age of 18 and competent to testify. The following statement is based on my personal knowledge.

1. I filed the cause of action referenced in the caption against Westminster College and Melissa Koerner in early June 2020 in Utah State Court. Shortly thereafter, I received an email from the Chronical of Higher Education which contained a link to an article titled "12 Tough Questions to Ask Yourself Before Becoming Provost" by Richard Badenhausen. Because the article had been written by Mr.

**DECLARATION OF EMILY RAINS
IN SUPPORT OF PLAINTIFF'S
MOTION FOR LEAVE TO AMEND - 1**

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Badenhausen, I clicked through the article to read. This outlet is read by 44,000+ subscribers which includes several employees of Westminster College. I was the only professor fired mid-semester while Mr. Badenhausen was the provost. After my termination, I was contacted by many concerned students and colleagues wanting to know what happened, but I told each of them nothing.

2. In late June 2020, before the Defendants removed this case to the U.S. District Court for the District of Utah, I filed my First Amended Complaint to add claims for defamation and false light invasion of privacy and the factual allegations supporting both of these claims.
3. I did not add Mr. Badenhausen in his individual capacity, but his act of publishing the defamatory statements in The Chronicle of Higher Education were alleged against him in his official capacity since writing articles is work done by College faculty to build or enhance the reputation of Westminster and Westminster. Administrators who are not faculty do not write articles. In Mr. Badenhausen's case, he is an administrative faculty member who used confidential information he obtained while performing his administrative duties on behalf of the College.
4. In late August 2021, Defense counsel, Mr. Lusty and I, agreed on behalf of the parties, to amend the proposed original scheduling order and I filed the agreed amended order with the court on September 8, 2021. The court has not yet signed and electronically filed the order. Therefore, there is no corresponding docket number as of the date of this declaration.

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5. In preparing this Motion to File Second Amended Complaint, I reviewed the agreed amended scheduling order which provides that the last day to file Motion to Amend Pleadings, or Add Parties is July 31, 2021.
6. The amended scheduling order also states that the close of fact discovery is on July 31, 2022 and the proposed jury trial scheduled in November 2023.
7. Before bringing this motion, I contacted counsel for the opposing party and requested his consent to file my second amended complaint without having to bring a motion for leave.
8. Consent was denied defendants and this motion followed.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

DATED this 22th day of October, 2021.

EMILY SHARP RAINS

/s/Emily Sharp Rans
Emily Sharp Rains

**DECLARATION OF EMILY RAINS
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